

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE FRANKLIN ONLEY,
Plaintiff,
v.
D. DAVIS, et al.,
Defendants.

No. 2:22-cv-01795-EFB (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in an action brought under 42 U.S.C. § 1983. On January 6, 2023, the court informed plaintiff that he could proceed with potentially cognizable due process claims against defendants Davis and Dohoda, a potentially cognizable Fourth Amendment claim against defendant Davis, and a potentially cognizable retaliation claim against defendant John Doe *or* he could file an amended complaint in an effort to also state additional claims, including claims against defendants Rocha, Kelly, and Anderson. ECF No. 11. Plaintiff initially elected to amend his complaint but subsequently notified the court of his intention to proceed only with the claims identified by the court.¹ ECF Nos. 14 & 15.

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¹ Plaintiff notes that he may amend the complaint if he learns the identity of the Doe defendants through discovery. *See* ECF No. 15.

1 Accordingly, it is ORDERED that the Clerk of the Court randomly assign a United States
2 District Judge to this case.

3 Further, it is RECOMMENDED that plaintiff's claims against defendants Rocha, Kelly,
4 and Anderson be dismissed without prejudice.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
10 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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13 Dated: February 28, 2023.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE